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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,871	05/04/2001	Abed Mohd Jaber	064731.0169	8371

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EXAMINER
HARPER, KEVIN C

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2666	22

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DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/848,871	Applicant(s) JABER ET AL.	
	Examiner Kevin C. Harper	Art Unit 2666	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ they raise the issue of new matter (see Note below);
   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____.
3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ ~~For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended~~.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-24*.
   Claim(s) withdrawn from consideration: _____.
8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.
10. ☒ Other: *See Continuation Sheet*

Seema S. Rao
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SUPERVISORY PATENT EXAMINER
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4/6/04

Continuation of 5. does NOT place the application in condition for allowance because: 1) Applicant argued that the office action lacked motivation to combine Derby and Ahmed in the rejection. Examiner worded the rejection such that the benefit of using asymmetric connections in Ahmed is the motivation to combine the references. To be concise, examiner did not again repeat the motivation, "in order to accommodate a larger capacity in one direction," after the obvious statement. 2) Applicant argued that Ahmed does not provide motivation for using asymmetric connections. Implicit in using asymmetric connections and as generally known in the art, bandwidth is not always identically required in both directions of a bi-directional communication. In cases where equal bandwidth is not necessary in both directions, the asymmetric connections provide an efficient allocation of bandwidth. Adams (US 5,818,840) shows the need to address asymmetric communication (col. 1, lines 24-35). In Ahmed, one solution to address asymmetric communciation is to provide asymmetric connections in bidirectional communication. 3) Applicant argued that Derby teaches against using asymmetric connections. Examiner agrees with applicant that Derby discloses a reserved bidirectional communication where the forward path and reverse path are the same (col. 2, lines 14-17; col. 9, lines 56-61). However, because the optimal forward path (col. 5, lines 56-67) is based on topology determined from a spanning tree protocol (col. 8, lines 31-34 and col. 9, lines 9-12) and not available bandwidth in internode or intranode links, a reverse path traversing the same nodes as the forward path may be optimal. Examiner disagrees with applicant that if connections were asymmetric in Derby a reverse optimal path must be different than the forward optimal path. The path determination in Ahmed as previously mentioned is based on topology and not bandwidth. Derby allows the forward path and reverse path to traverse the same nodes (col. 9, lines 57-61) even though the invention is concerned with optimal routing of packets traversing the network (col. 5, lines 56-58). Further, Derby does not teach away from having asymmetric connections because the recitation is silent on requiring equal bandwidth in both directions of a bi-directional communication. In the language used, Derby appears to make optional and not require replies from the user application (col. 9, lines 57-61). If the user replies are not given in response to a message then the amount of bandwidth necessary for the bi-directional communication will be asymmetric.

Continuation of 10. Other: Attachments: Notice of References Cited (PTO 892) and Information Disclosure Statement (PTO 1449), received August 2002; Examiner notes that the corrected drawings received in September 2003 are approved.

KCH
4/5/04